

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEONARD DOYLE ROGERS,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV1649 HEA
)
HERBERT DILL, PRESIDENT, and)
AMALGAMATED TRANSIT UNION)
LOCAL 78)
)
Defendant.)

ORDER

This matter is before the Court on Plaintiff's Request to Withdraw Demand for Jury Trial, [Doc. No. 32]. Defendant Amalgamated Transit Union Local 788 responded to the Request; it objects to the withdrawal. Defendant Amalgamated has itself demanded a jury trial in this matter, thus, even if the Court were to allow the request, it would be of no consequence.

Rule 38(d) of the Federal Rules of Civil Procedure provides that, in pertinent part, “[a] proper demand may be withdrawn only if the parties consent.” Because Defendant Amalgamated does not consent, the demand may not be withdrawn. Even were the Court to allow the withdrawal, this matter would still be tried before a jury since Defendant Amalgamated itself demanded same.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Request to Withdraw its Jury Demand, [Doc. No. 32], is denied.

Dated this 7th day of July, 2009.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE